

**IN THE UNITED STATES DISTRICT COURT
for the
Southern District of Texas
Houston Division**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:12-CR-00503
)	
v.)	
)	
JASON DANIEL GANDY,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR DISCOVERY AND INSPECTION

TO THE HONORABLE LEE ROSENTHAL, CHIEF DISTRICT JUDGE FOR THE
SOUTHERN DISTRICT OF TEXAS:

The Defendant, JASON DANIEL GANDY, in the above-styled and numbered cause, by and through the undersigned counsel, and respectfully moves this Honorable Court, pursuant to Rule 16 of the Federal Rules of Criminal Procedure, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States, to order the Government to produce for inspection and copying the following, which are know to, or are in the possession of, the Government or any of its agents, or which through due diligence would become known from the investigating officers or witnesses or person having knowledge of this case. Defendant would show this Honorable Court that it is necessary that the information, material and evidence requested by him and the circumstances surrounding the seizure and securing of same must be furnished to him so that he may make a determination as to (a) whether he should prepare a Motion to Suppress Evidence and/or other motion; and, (b) whether such Motion to Suppress Evidence and/or other motions are necessary, proper or required. The following are hereby requested:

1. Any and all written or recorded statements made by or purported to be made by Defendant, either before or after Defendant's indictment, either to government agents or to third parties, whether or not the Government intends to introduce such statement at trial.

2. The substance of any oral statement attributed to the Defendant, whether made before or after the Defendant's indictment, and whether or not the Government intends to introduce evidence of such statement at trial.

3. A transcript of testimony, if any, given before any Grand Jury investigating this cause and including, but not limited to, statements, if any, attributable to JASON DANIEL GANDY or any other person regarding JASON DANIEL GANDY.

4. Any and all documents, instruments, or forms of any kind signed or purported to have been signed by JASON DANIEL GANDY.

5. Any documents or tangible objects which are in possession, custody, or control of the Government which are material to the preparation of Defendant's defense, including, but not limited to, documents, instruments, or other writings, whether in physical form or electronic form, obtained from JASON DANIEL GANDY

6. Names and addresses of any and all individuals whom the Government intends to call as witnesses either in its case-in-chief or as rebuttal witnesses.

7. The names and addresses of any person whom the Government knows possesses knowledge of the case or who were interviewed by the Government or its agents in connection with this case.

8. Any and all reports prepared by agents or representatives of any governmental entity, state or federal, in the possession of any governmental agency relating in any way to the allegations forming the basis of the indictment of JASON DANIEL GANDY.

9. The names, addresses and telephone numbers of persons having knowledge of the facts or relevant information concerning matters relating to the instant indictment.

10. Any and all written summaries of testimony the government intends to use under Fed. R. Evid. 702, 703 or 705 during its case-in-chief at trial. This summary must describe the witnesses' opinions, the bases and the reasons therefor, and the witnesses' qualification.

11. Any and all documents, forms, summaries, rap sheets or other records reflecting the criminal records of JASON DANIEL GANDY, or any witness the government anticipates may be called as a witness in the trial of this case.

12. Any and all papers, documents, written statements, accounts, letters, tapes, computers, computer hardware, computer software, or any other tangible object or thing, whether exculpatory or inculpatory, including, but not limited to, items that were solicited, obtained or seized by any person or agency from any witness to this case, whether or not said tangibles are utilized by the Government during any aspect of the investigation of this case, where said tangible objects are in the possession, custody or under the control of the Government.

13. The disclosure of the names of any material witnesses the government knows or has any reason to believe may or will be unavailable for the trial of this matter. See *United States v. Mendez-Rodriguez*, 450 F.2d 1 (9th Cir. 1971).

WHEREFORE, PREMISES CONSIDERED, Defendant prays this Honorable Court grant this Motion for Discovery and Inspection and order the Government, or all agents, associates and assistants of aforesaid and any and all such authorities who investigated the alleged offense made the basis of this indictment to appear as this Honorable Court may require, and compel production of any and all information and evidence requested as set forth and specified herein; and to enter

any and all Orders necessary to effectuate the discovery of the matters requested; and for such other and further relief as the Court may deem proper and appropriate.

Respectfully submitted,

GRECO ♦ NEYLAND, PC

/s/ Dustan Neyland
DUSTAN NEYLAND
TBA NO. 24058019
701 N. POST OAK RD., SUITE 421
HOUSTON, TEXAS 77024
Tel: 713-972-1100
Fax: 713-972-1102

CERTIFICATE OF CONFERENCE

On January 3, 2018, counsel for Defendant conferred with AUSA Sherri Zack concerning her position regarding the above motion, and she has advised me that he will respond and state her position with respect to this motion by filing responsive pleading.

/s/ Dustan Neyland
DUSTAN NEYLAND

CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to AUSA Sherri Zack .

/s/ Dustan Neyland
DUSTAN NEYLAND